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BY FACSIMILE
Honorable Denny Chin
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

Re: *United States v. Joshua Young*
04 Cr. 633 (DC)

Dear Judge Chin:

This letter is submitted in connection with the violation of supervised release that was addressed at a conference before Your Honor, on November 16, 2006, in the above-captioned case.

The Court may recall that Mr. Young pled guilty to the specification (specifically his dismissal from the halfway house) and the Court verbally agreed to impose the following sentence, endorsed by the parties: (i) a 6-month period of home confinement (permitting him to attend employment, vocational training, and his musical endeavors); (ii) Mr. Young's participation in vocational training; and (iii) Mr. Young's participation in an anger management program. Ultimately Your Honor sentenced Mr. Young to a new three-year period of supervised, with credit for the approximately 5 months already served.

During the colloquy with counsel the Court referred to a "revocation" of supervised release. I am informed that "revocation" is inappropriate in the present context because it would require Mr. Young to serve a period of incarceration – which would be contrary to the Court's expressed intent. I believe a "modification" of the term of supervised release, is the appropriate nomenclature.

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After conferring with AUSA Daniel Levy, the parties jointly and respectfully request that the judgment reflect a modification, not a "revocation," of the term of supervised release, correctly reflecting the Court's (and the parties') intent.

Respectfully Submitted,

Francisco E. Celedonio, Esq.

cc: AUSA Daniel Levy

It is hereby ORDERED as follows:
1. The Court is not revoking Mr. Yang's supervised release.
2. Based on Mr. Yang's guilty plea to the specification, the Court modifies the terms of Mr. Yang's supervised release to include items (i), (ii), and (iii) above.
3. The original 3-year term of supervised release remains in place, i.e., supervision commenced on Feb. 18, 2006. Mr. Yang is to receive credit for the time in community confinement.
4. No "judgment" is necessary, as I am merely modifying supervised release.

SO ORDERED.

11/21/06

USDJ